

## REMARKS

The Office Action mailed January 16, 2002 has been reviewed and carefully considered. Claims 1 to 40 are pending in this application, with claims 1, 14, 20, 23, 26 and 40 being independent claims. Reconsideration of this application, as herein amended and in view of the following remarks, is respectfully requested.

Claim 1 has been amended to correct a typographical error. Claim 1 was numbered "1." twice.

### Objection To Figure 3

In the Office Action, Figure 3 was objected to because step 130 was not mentioned in the specification. Page 11 of the specification has been appropriately amended to overcome this objection.

### Rejection under 35 U.S.C. §103(a) [Logan]

Claims 1 to 12, 14 to 18, 26 to 35, 37 and 39 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,199,076 ("Logan").

#### Independent Claim 1

In accordance with independent claim 1, the virtual broadcast device downloads data in any order from a Web site and organizes the downloaded data into a particular order according to a selected algorithm provided on the virtual broadcast device. The Office Action (pages 2 to 3) states that Logan discloses the "downloading and storing content and other information to be integrated into a 'virtual' broadcast from a website in any order" at col. 8, lines 24 to 44, and that Logan discloses the organizing the data according to "a selected algorithm provided on the device" at col. 5, lines 38 to 67. Applicant respectfully disagrees that Logan discloses what the Examiner asserts it discloses.

Neither these cited passages of Logan nor any other portion of Logan discloses or suggests the downloading of data from a web site to the virtual broadcast device, as recited in independent claim 1. Instead, Logan discloses storage of web page data by the host server. (Logan, col. 6, lines 38 to 40).

Logan does not disclose or suggest that the organizing of the downloaded data occurs according to an algorithm on the virtual broadcast device, as recited in independent claim 1. Instead, Logan discloses that the order of the downloaded data is determined by a program residing at the server. (Logan, col. 8, lines 39 to 44). Although Logan discloses that a user ("subscriber")

can change the order of playing of the downloaded data from the “default” order selected by the server (Logan, col. 8, lines 45 to 53), such altering of the order is not accomplished by an algorithm residing on the virtual broadcast device, as recited in independent claim 1.

For these reasons, Logan does not disclose or suggest the invention recited in independent claim 1. Dependent claims 2 to 12 are patentable for the same reasons that independent claim 1 is patentable.

#### Independent Claim 14

With respect to independent claim 14, the Office Action again incorrectly states (page 4) that Logan discloses (at col. 8, lines 39 to 53) the organizing the content in a particular order according to an algorithm provided on the virtual broadcast device. However, as stated above, Logan discloses that the order of the downloaded data is determined by a program residing at the server. (Logan, col. 8, lines 39 to 44), not on the virtual broadcast device, as recited in independent claim 14.

In addition, the Office Action states that “capturing in the virtual broadcast device a signal generated by conventional broadcast means” is disclosed by Logan (at col. 7, lines 41 to 49). However, what is disclosed in Logan is cellular radio and satellite links, both of which are data communication, not “conventional broadcast means”. Conventional broadcast means, such as television and radio signals, provide common access to the same signal by users in multiple locations. Logan does not, in mentioning cellular radio and satellite links, disclose or suggest conventional broadcast means, as recited in independent claim 14.

For these reasons, Logan does not disclose or suggest the invention recited in independent claim 14. Dependent claims 15 to 18 are patentable for the same reasons that independent claim 14 is patentable.

#### Independent Claim 26

With respect to independent claim 26, the Office Action again incorrectly states (page 5) that Logan discloses (at col. 9, lines 15 to 30) the organizing the content in a particular order according to an algorithm provided on the virtual broadcast device. However, as stated above, Logan discloses that the order of the downloaded data is determined by a program residing at the server. (Logan, col. 8, lines 39 to 44), not on the virtual broadcast device, as recited in independent claim 26. The passage of Logan relied upon by the Examiner with respect to claim 26 merely describes how the user may assign a priority value to scheduled programs of interest so that the host

server can select and reorder data to be downloaded to the user's device. Logan does not indicate that there is means or algorithm in the player that would make possible the organizing of data into a particular order, as recited in independent claim 26.

For these reasons, Logan does not disclose or suggest the invention recited in independent claim 26. Dependent claims 27 to 35, 37 and 39 are patentable for the same reasons that independent claim 26 is patentable.

Rejection under 35 U.S.C. §103(a) [Logan in view of Cameron]

Dependent claims 13, 19 and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over Logan in view of U.S. Patent No. 6,202,062 ("Cameron").

As to claims 13, 19 and 38, they depend from, and include all the limitations of, base claims 1, 14 and 26, respectively, and, as stated above, Logan does not anticipate independent claims 1, 14 and 26. Cameron, however, fails to provide the limitations of independent claims 1, 14 and 26 that are missing from Logan. Consequently, for this reason dependent claims 13, 19 and 38 are patentable over Logan in view of Cameron.

In addition, it would not have been obvious to combine the teachings of Cameron with Logan because the references are completely unrelated to one another, and the Examiner has cited no disclosure or suggestion in the references indicating that they should be combined. Cameron discloses the use of a wireless phone with Internet capability in combination with a barcode reader to read information off of an article of interest by scanning the barcode on the article. (Cameron, col. 37, lines 6 to 12). There is no suggestion to use a wireless phone with a virtual broadcast device, as recited in dependent claims 13, 19 and 38.

Where Cameron does mention media content, it is delivered by a completely different mechanism than that utilized in the present invention of claims 13, 19 and 38. Cameron discloses (col. 45, lines 47 to 57) a combination of handheld personal computer and a wireless communication device for receiving, for example, news, Cameron but does not specify a mobile phone with Internet Protocol capabilities for that purpose.

For these additional reasons, dependent claims 13, 19 and 38 are patentable over Logan in view of Cameron.

Rejection under 35 U.S.C. §103(a) [Logan in view of Collins-Rector]

Claims 20 to 25, 36 and 40 were rejected under 35 U.S.C. §103(a) as unpatentable over Logan in view of U.S. Patent No. 6,188,398 ("Collins-Rector").

With respect to independent claims 20, 23 and 40, the Office Action again incorrectly states (pages 8 and 10 to 11) that Logan discloses (at col. 8, lines 39 to 53, and at col. 9, lines 15 to 30) the organizing the content in a particular order according to an algorithm provided on the virtual broadcast device. However, as stated above, Logan discloses that the order of the downloaded data is determined by a program residing at the server (Logan, col. 8, lines 39 to 44), not on the virtual television broadcast device, as recited in independent claims 20, 23 and 40. Collins-Rechter, however, fails to provide the limitations of independent claims 20, 23 and 40 that are missing from Logan.

In addition, it would not have been obvious to combine the teachings of Collins-Rechter with Logan because Logan does not involve the downloading of video. Therefore, there is no disclosure or suggestion of combining Collins-Rechter with Logan.

For these reasons independent claims 20, 23 and 40 are patentable over Logan in view of Collins-Rechter.

Dependent claims 21 and 22 are patentable for the same reasons that independent claim 20 is patentable; dependent claims 24 and 25 are patentable for the same reasons that independent claim 23 is patentable; and dependent claim 36 is patentable for the same reasons that independent claim 26 is patentable.

Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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**AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES**

**IN THE SPECIFICATION:**

The paragraph beginning on page 11, line 14 and continuing until page 12, line 3, has been amended as follows:

--[Once] At step 130, once the files are downloaded from the Web site, software in device 10 organizes the mix of downloaded content, information and advertising into a virtual broadcast according to an algorithm which may be selected by a user or some other means. This organizing of a virtual broadcast may be referred to as "generative broadcasting." For example, where audio is downloaded, the virtual broadcast has the format of a customized radio broadcast. As in a conventional radio broadcast, for example, a song may be introduced with a DJ introduction, the song is then played, and is followed by an advertisement, a weather report, and then another song may be introduced and played. Where there is a choice of DJ's, each available DJ may be associated with a different algorithm for deciding which item, such as a song, will be played will be next. The user may optionally choose not to include any DJ introductions in the virtual broadcast--.

**IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. [1.] A method for generating a virtual broadcast on a virtual broadcast device, the method comprising:  
downloading and storing data comprising content and other information to be integrated into the virtual broadcast from a Web site to the virtual broadcast device in any order; and  
organizing the data on the virtual broadcast device into a particular order for the virtual broadcast according to a selected algorithm provided on the virtual broadcast device.